

ASSEMBLY BILL

No. 463

Introduced by Assembly Member Huffman

February 20, 2007

An act to amend the heading of Chapter 3.3 (commencing with Section 39630) of, and to add Article 2 (commencing with Section 39640) and the heading of Article 1 (commencing with Section 39630) to Chapter 3.3 of, Part 2 of Division 26 of, the Health and Safety Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 463, as introduced, Huffman. Vessels: California Clean Ferry Act of 2007: air emissions.

(1) Existing law establishes the State Air Resources Board as having responsibility for the control of motor vehicle emissions and to protect air quality from increasing volumes of cruise ship engine and oceangoing ship engine emissions. The state board is required to adopt standards, rules, and regulations necessary for the proper execution of its powers and duties. Existing law generally provides that a violation of any regulation of the state board is a crime.

This bill would require all new diesel powered ferries operating in the waters of this state, to meet certain specified air emissions standards. The air emissions standards would be enforced by the state board, and the state board would be authorized to adopt standards, rules, and regulations for that purpose.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 3.3 (commencing with
2 Section 39630) of Part 2 of Division 26 of the Health and Safety
3 Code is amended to read:

4
5 CHAPTER 3.3. ~~CRUISE SHIPS AND OCEANGOING SHIPS~~ VESSELS
6

7 SEC. 2. The heading of Article 1 (commencing with Section
8 39630) is added to Chapter 3.3 of Part 2 of Division 26 of the
9 Health and Safety Code, to read:

10
11 Article 1. Cruise Ships and Oceangoing Ships
12

13 SEC. 3. Article 2 (commencing with Section 39640) is added
14 to Chapter 3.3 of Part 2 of Division 26 of the Health and Safety
15 Code, to read:

16
17 Article 2. The California Clean Ferry Act of 2007
18

19 39640. The Legislature finds and declares all of the following:

20 (a) It is in the interests of all Californians to protect air quality
21 from increasing volumes of diesel-powered ferry engine emissions
22 due to expanding fleets.

23 (b) While new ferry operations may offer certain benefits to
24 Californians, diesel-powered ferry engines emit more air pollution
25 per passenger mile than land based transportation modes.

26 (c) All new diesel-powered ferries in this state shall meet the
27 same air quality standards currently set forth in statutes governing
28 the expansion of ferry service in the San Francisco Bay.

29 39641. As used in this article, unless the context clearly requires
30 a different meaning:

1 (a) “Diesel engine” means an internal combustion,
2 compression-ignition engine designed to burn diesel fuel.

3 (b) “Diesel-powered” means a ferry equipped with and powered
4 by a diesel engine.

5 (c) “Ferry” means a vessel engaged in the commercial transport
6 of passengers with the capacity to transport 75 or more passengers,
7 including, but not limited to, ferries engaged in commuter service,
8 excursions, charter service, waterborne transit, or emergency
9 response service.

10 (d) “New ferry” means any of the following:

11 (1) A ferry where the engine was installed on or after January
12 1, 2008.

13 (2) A ferry that had its keel laid on or after January 1, 2008.

14 (3) A ferry placed into service for the first time on or after
15 January 1, 2008.

16 (e) “Waters of this state” means any waters within the territorial
17 limits of this state.

18 (f) “Recreational vessel” means a vessel that is being used only
19 for pleasure.

20 39642. (a) Each new diesel-powered ferry operating in the
21 waters of this state shall meet the air emissions standards
22 established pursuant to Section 65540.27 of the Government Code.

23 (b) The state board shall enforce this article and may adopt
24 standards, rules, and regulations for that purpose pursuant to
25 Section 39601.

26 (c) This section shall not apply to recreational vessels, cruise
27 ships, and oceangoing vessels.

28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.